

IN THE CLAIMS

1. (Twice Amended) An apparatus for quantitatively evaluating image quality of an ultrasound scanner, comprising:

- a processor;
- a storage device;
- at least one output device;
- at least one input device; and
- software means operative on the processor for:
- (a) maintaining in the storage device information on the scanner;
 - (b) maintaining in the storage device information regarding expected performance standards;
 - (c) maintaining in the storage device information regarding at least one phantom test object;
 - (d) inputting via said at least one input device;
 - (e) interactively specifying said at least one phantom test object in image for processing;
 - (f) processing said specified phantom test object in image to quantitatively determine [the] image quality characteristics of said scanner to evaluate the scanner for diagnostic purposes;
 - (g) maintaining in the storage device results of said processing; and
 - (h) outputting via said at least one output device results of said processing.

SUBD 17

2

6. (Twice Amended) A method of quantitatively evaluating image quality characteristics an ultrasound scanner, comprising the steps of:

- (a) selecting a phantom test object within an image;
- (b) quantitative processing of said image to evaluate image quality characteristics of the scanner for diagnostic purposes; and
- (c) outputting results of the quantitative processing.

REMARKS

The Examiner rejected claims 1-20 as being unpatentable over Preston (IEEE Transactions on ultrasonics, Ferroelectrics, and Frequency control, Vol. 35, No. 2, March 1988, page 122-139) further in view of Alasaarela et al. (§103).

§103 Rejections

The Examiner rejected claims 1-20 as being unpatentable over Preston and further in view of Alasaarela et al.

1. Claims 1 and 6 Are Not Made Obvious Because None of the Cited References Suggest Such a Combination

The PTO has the burden of establishing a prima facie case of obviousness under 35 U.S.C § 103. As such, it must show that some objective teaching in the prior art or knowledge generally held by one of ordinary skill would lead an individual to combine the relevant teachings of the references. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Therefore, a combination of Preston and Alasaarela is insufficient to establish obviousness, absent some teaching or suggestion to do so in the references or knowledge in the field. Id.